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ONE HUNDRED SEVENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
 Washington, DC 20515-6115

W.J. "BILLY" TAUZIN, LOUISIANA,
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March 13, 2002

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DAVID V. MARVENTANO, STAFF DIRECTOR

The Honorable Donald L. Evans
 Secretary
 Department of Commerce
 1401 Constitution Avenue, N.W.
 Washington, D.C. 20230

Dear Secretary Evans:

We are writing with respect to the Internet Corporation for Assigned Names and Numbers (ICANN), with which the Department of Commerce ("the Department") has a contract for performing certain limited technical functions with respect to the Internet. We are deeply concerned about proposals for structural changes to that organization.

The systems that the Department permits ICANN to manage are global in scope and implication. The original policy goal the United States sought to create with ICANN was to produce a non-governmental entity that could coordinate core Internet functions and manage the technical aspects of its naming and address allocation systems. According to the Memorandum of Understanding between ICANN and the Department for implementing a transition for ICANN's technical management of Internet names and addresses, ICANN was to be founded upon the principles of "stability, competition, bottom-up coordination, and representation."

Since its inception, however, ICANN has increasingly departed from that limited role. Its unchecked growth into general Internet policymaking and regulation of commercial rights and interests is very disturbing. As you know, this Committee has repeatedly joined the chorus of critics from every part of the Internet community in objecting to ICANN's lack of transparency, due process, and accountability. It has been slow to create new competition in the generic top-level domain (gTLD) marketplace and has developed needlessly detailed, highly regulatory contracts for the number of new top-level domains announced last year.

Recently, ICANN's president admitted that "ICANN in its current form has not become the effective steward of the global Internet's naming and address allocation systems" and that its current structure is "impractical." We agree. The remedies that ICANN management is proposing to address these fundamental problems, however, will only make matters worse. ICANN management is proposing to eliminate direct representation of Internet users on ICANN's board, place five representatives of national governments on the board in their stead, and increase its own budget with funding to be sought from governments and network operators.

The Honorable Donald L. Evans

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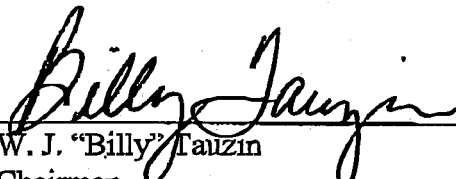
It is our belief that such proposals will make ICANN even less democratic, open, and accountable than it is today. The Department should not allow ICANN management to retreat on any future prospects for open, democratic, private sector-led management of certain limited technical Internet functions. We fully support a "reform" of ICANN; however, we believe ICANN reform should address and remedy, at minimum, the following issues:

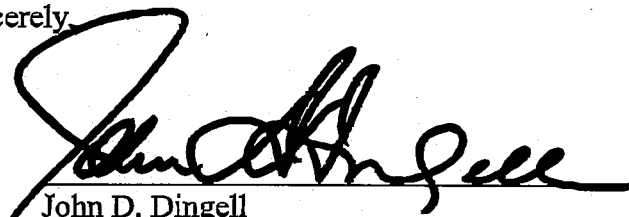
- Create a Representative Board – The Department should ensure that ICANN's Board of Directors is fully representative of all stakeholders, including corporate stakeholders and members of the general Internet community;
- Increased Accountability – The ICANN Board has been criticized by both the Internet community and from within the board itself for the lack of transparency in its decision-making processes;
- Adhere to ICANN's Original Mandate – ICANN should limit its activities to its initial scope of jurisdiction, *i.e.*, coordinating core Internet functions and the technical aspects of naming and address allocation issues; and
- Due Process Protections – There should be clear, written procedures for approving new gTLDs, as well as any future technical issues, including an impartial appeals process for those who have process or substantive complaints.

Finally, we want to strongly reiterate our support for continued Department of Commerce control over the so-called "A-root" server. We believe that any assumption of control over that asset by any outside entity would be contrary to the economic and national security interests of the United States. We hope you concur with our desire to see the Internet policy of the United States further promote the democratization of access to the processes and tools of Internet commerce and communications. Decisions made in the next few weeks must not put these important policy objectives at risk.

We look forward to hearing your views on these matters and thank you in advance for your time and attention in reviewing this important issue.

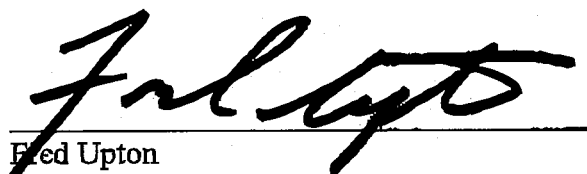
Sincerely,


W. J. "Billy" Tauzin
Chairman


John D. Dingell
Ranking Member

The Honorable Donald L. Evans

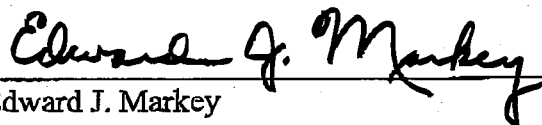
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Fred Upton

Chairman

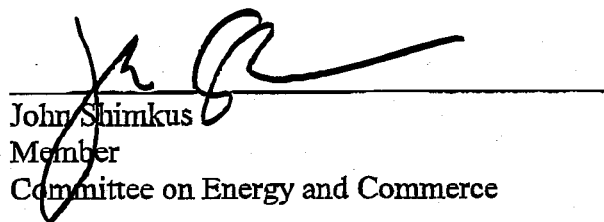
Subcommittee on Telecommunications
and the Internet



Edward J. Markey

Ranking Member

Subcommittee on Telecommunications
and the Internet



John Shimkus

Member

Committee on Energy and Commerce